IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2167 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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LALJIBHAI JVABHAI CHANDRAANA - Petitioner(s)
Versus
SPECIAL RECOVERY OFFICER & ORS & 4 - Respondent(s)

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Appearance :
MR HM PRACHCHHAK for Petitioner(s) : 1,
MR LR PUJARI, AGP for Respondent(s) : 1 - 4.
None for Respondent(s) : 5,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 30/11/2006

ORAL JUDGMENT

1. Learned counsel for the parties submit that this petition can be disposed of in similar terms on which Special Civil Application No. 615 of 1995 in the case of Hiradas Khimdas Nimavat [Bawaji] v. Special Recovery Officer, decided on 4.4.2000

has been disposed of.

2. The petition is accordingly disposed of with the following directions.

[i] That the notice impugned in this petition be treated to be a show cause notice to the petitioner and the petitioner would be entitled to file a detailed reply to the said show cause notice, in the said reply, he may raise all the contentions available to him on the factual and legal foundation. The reply may be filed within four weeks from today. The concerned authority, that is, the respondent no.1 shall after hearing the petitioner decide the matter finally and pass a speaking/reasoned order. After the final order is passed by the authority, the authority shall communicate the order to the petitioner by Registered Post A.D. This exercise would be completed by the authority within a period of eight weeks from the date of receipt of the reply from the petitioner. Rule is made absolute to the aforesaid extent only. No costs.

[R.S. GARG, J.]

pirzada/-